

REMARKS

Claims 1-27 are currently pending in the application. No claims have been added, amended, or canceled. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Claims 1-27 stand under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,249 to Soliman ("Soliman"). Independent claim 1 relates to a method for improving open loop power control in spread spectrum telecommunications systems. Applicant respectfully submits that Soliman fails to teach or suggest at least one of the distinguishing features of independent claim 1, namely, transmitting at least one second access channel probe for a second message from a mobile station to a base station, a transmission power level of an initial access channel probe of the at least one second access channel probe for the second message being based upon the first transmission power level stored in the mobile station. In addition, Soliman fails to teach or suggest that the first transmission power level corresponds to a power level at which the base station acknowledgement is received for at least one first access channel probe.

Soliman relates to a method and apparatus for detecting forward and reverse link imbalances in a digital cellular communication system. The method uses an indication of "maximum access probes" to determine whether a link imbalance causes a reverse link failure to occur. The maximum access probes condition indicates that a wireless unit has attempted to access a base station a pre-defined maximum number of times.

In contrast to claim 1, there is no teaching or suggestion by Soliman of transmitting at least one second access channel probe for a second message from a mobile station to a base station, a transmission power level of an initial access channel probe of the at least one second access channel probe for the second message being based upon a first transmission power level stored in a mobile station. Soliman discloses that within each access attempt, access probes are grouped into access probe sequences. Each access probe sequence comprises a specified number of access probes, all transmitted on the same access channel. The first access probe of each access probe sequence for a particular message is transmitted at a specified power level relative to a nominal open-loop power level. Each subsequent access probe within a sequence of the particular message is transmitted at a power level that is a specified amount higher than the

previous access probe. In Soliman, the power level of each access probe within a sequence of a message is based upon a power level of a previous access probe within the same message and not a separate message as claimed. Furthermore, Soliman fails to teach an association between a transmission power level of a first message and a transmission power level of a second message as claimed. Applicant respectfully submits that claim 1 distinguishes over Soliman and is in condition for allowance. Withdrawal of the rejection of claim 1 as anticipated by Soliman is respectfully requested.

Dependent claims 2-9 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2-9 distinguish over Soliman and are in condition for allowance. Withdrawal of the rejection of dependent claims 2-9 is respectfully requested.

Independent claim 10 relates to an apparatus for improving open loop power control in spread spectrum telecommunications systems. Applicant respectfully submits that Soliman fails to teach or suggest at least one of the distinguishing features of independent claim 10, namely, at least one processor for determining a second transmission power level of an initial access channel probe of at least one second access channel probe for a second message to be transmitted from a mobile station to a base station, the second transmission power level of an initial access channel probe of the at least one second access channel probe for the second message being determined based upon first transmission power level stored in the at least one memory. In addition, Soliman fails to teach or suggest that the first transmission power level corresponds to a power level at which the base station acknowledgement is received for the at least one first access channel probe.

Soliman relates to a method and apparatus for detecting forward and reverse link imbalances in a digital cellular communication system. In Soliman, the power level of each access probe within a sequence of a message is based upon a power level of a previous access probe within the same message and not a separate message as claimed. Furthermore, Soliman fails to teach an association between a transmission power level of a first message and a transmission power level of a second message as claimed. Applicant respectfully submits that

claim 10 distinguishes over Soliman and is in condition for allowance. Withdrawal of the rejection of claim 10 as anticipated by Soliman is respectfully requested.

Dependent claims 11-18 depend from and further restrict independent claim 10 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 10, dependent claims 11-18 distinguish over Soliman and are in condition for allowance. Withdrawal of the rejection of dependent claims 11-18 is respectfully requested.

Independent claim 19 relates to an article of manufacture for improving open loop power control in a spread spectrum telecommunications systems. Applicant respectfully submits that Soliman fails to teach or suggest at least one of the distinguishing features of independent claim 19, namely, transmit at least one second access channel probe for a second message from a mobile station to a base station, the transmission power level of an initial access channel probe of the at least one second access channel probe for the second message being based upon the first transmission power level stored in the mobile station. In addition, Soliman fails to teach or suggest that the first transmission power level corresponds to a power level at which the base station acknowledgement is received for the at least one first access channel probe.

Soliman relates to a method and apparatus for detecting forward and reverse link imbalances in a digital cellular communication system. In Soliman, the power level of each access probe within a sequence of a message is based upon a power level of a previous access probe within the same message and not a separate message as claimed. Furthermore, Soliman fails to teach an association between a transmission power level of a first message and a transmission power level of a second message as claimed. Applicant respectfully submits that claim 19 distinguishes over Soliman and is in condition for allowance. Withdrawal of the rejection of claim 19 as anticipated by Soliman is respectfully requested.

Dependent claims 20-27 depend from and further restrict independent claim 19 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 19, dependent claims 20-27 distinguish over Soliman and are in condition for allowance. Withdrawal of the rejection of dependent claims 20-27 is respectfully requested.

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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